

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 9, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-24824 - APPLICANT/OWNER: DECATUR CROSSING CENTER, LLC

**** CONDITIONS ****

The Planning Commission (6-1/ld vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void two years from the date of final approval, unless upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. The proposed pylon sign shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The proposed ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Variance to allow a Freestanding Sign height of 75 feet with an area of 1,012 square feet where 40 feet and 404 square feet is the maximum allowed on 16.8 acres at 202-290 South Decatur Boulevard. This sign is located within a retail center and will replace an existing sign of approximately 40 feet in height. Staff can not support this request, as it is a self imposed hardship.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/18/79	The Board of City Commissioners approved a Rezoning (Z-0024-79) from R-1 (Single-Family Residential) to C-1 (Limited Commercial). Planning Commission and staff recommended approval.
12/16/81	The Board of City Commissioners approved a Plot Plan Review [Z-0024-79(1)] for a 200,400 square foot Shopping Center. Planning Commission and staff recommended approval.
11/17/99	The City Council approved a Site Development Plan Review [Z-0024-79(2)] for a 5,093 square foot expansion to an existing Retail Store (Target). Planning Commission and staff recommended approval.
11/29/07	The Planning Commission voted 6-1/ld to recommend DENIAL (PC Agenda Item #39/ed).
<i>Related Building Permits/Business Licenses</i>	
06/20/91	A business license (B05-1951247301) was issued for a Cosmetology Establishment at 270 South Decatur Boulevard.
03/03/93	A business license (R09-462651344) was issued for a Restaurant – Seating 45 or More at 222 South Decatur Boulevard.
12/14/93	A business license (B08-53271070) was issued for Beauty and Cosmetic Sales at 262 South Decatur Boulevard.
07/10/96	A business license (B05-204271070) was issued for a Cosmetology Establishment at 262 South Decatur Boulevard.
02/14/97	A business license (M03-26271070) was issued for a Massage Establishment at 268 South Decatur Boulevard.
12/11/97	A business license (M12-69677154) was issued for a Massage Therapist – Independent Contractor at 268 South Decatur Boulevard.
05/05/98	A business license (C07-2338479745) was issued for a Clothing store at 220 South Decatur Boulevard.

12/22/99	A business license (M12-350686074) was issued for a Message Therapist – Independent Contractor at 268 South Decatur Boulevard.
12/22/00	A business license D16-16334112 was issued for a Department Store and at 278 South Decatur Boulevard.
11/14/02	A business license (T11-8995107987) was issued for Television and Audio Sales/Service at 220 South Decatur Boulevard Suite #106.
08/16/04	A business license (Q01-5745118542) was issued for a Real Estate Brokerage at 220 South Decatur Boulevard Suite #105.
08/19/04	A business license (D16-1252118545) was issued for a Department Store at 230 South Decatur Boulevard
10/19/05	A business license (H02-1515H107987) was issued for Handbill and Oral Solicitation at 220 South Decatur Boulevard.
10/31/05	A business license (F14-61D121016) was issued for an Auto Title Loan Company at 282 South Decatur Boulevard.
11/20/06	A business license (B08-1164547301) was issued for Beauty and Cosmetic Sales at 270 South Decatur Boulevard.
08/31/07	A business license (F02-305H136684) was issued for a Finance Company at 282 South Decatur Boulevard.
<i>Pre-Application Meeting</i>	
09/26/07	The sign standards of Title 19 were discussed with applicant. The applicant's proposed sign requires a Variance for height and for square footage. Also advised applicant of submittal process and required documents.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	16.8

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Shopping Center	SC (Service Commercial)	C-2 (General Commercial)
North	Single Family homes, Office	L (Low Density Residential), O (Office)	R-1 (Single-Family Residential), P-R (Professional Office and Parking)
South	Auto Body Shop	SC (Service Commercial), GC (General Commercial)	C-2 (General Commercial)
East	Retail Center	SC (Service Commercial)	C-1 (Limited Commercial)

West	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development – 11 units per acre)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O (Airport Overlay) District	X		Yes
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Freestanding Signs: [type in sign reference]		
Standards	Allowed	Provided
Maximum Number	1 / 200 linear feet of street frontage	1 / 202 feet
Maximum Area	404 SF.	1,012 SF. (250.5% deviation)
Maximum Height	40 Feet	75 Feet (87.5% deviation)
Minimum Setback	5 Feet	5 Feet
Illumination	Internal, External, Animated or Electric	Internal

ANALYSIS

The applicant requests a Variance to allow a Freestanding Sign height of 75 feet with an area of 1,012 square feet. This increased height is a deviation of 87.5% over the maximum allowed height of 40 feet and a 250.5% deviation in the maximum allowed square footage of 404 feet. This proposed sign is replacing an already Title 19 conforming pylon sign with a height of 40 feet. Staff cannot support this request, because it is a self imposed hardship.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;

3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a sign 35 feet higher than Title 19 requirements allow. The existing sign height and area allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

ASSEMBLY DISTRICT 3

SENATE DISTRICT 3

NOTICES MAILED 534 by City Clerk

APPROVALS 6

PROTESTS 13

CONCERNS 1